



State of Wisconsin
2003 - 2004 LEGISLATURE

LRB-1423/P1 *rel p 2*
MDK: *WAS*
Kjf

O-NOTE

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

*Code by
4pm,
if possible*

gen cat

1 AN ACT *to amend* 29.171 (4) (a) 5., 29.171 (4) (c), 29.193 (2) (b) 2., 29.193 (2) (c)
2 3., 29.193 (2) (e), 48.981 (2) (a) 6., 49.45 (9), 49.46 (2) (b) 4., 102.13 (1) (a), 102.13
3 (1) (b) (intro.), 102.13 (1) (b) 1., 102.13 (1) (b) 3., 102.13 (1) (b) 4., 102.13 (1) (d)
4 1., 102.13 (1) (d) 2., 102.13 (1) (d) 3., 102.13 (1) (d) 4., 102.13 (2) (a), 102.13 (2)
5 (b), 102.13 (3), 102.17 (1) (d), 102.17 (1) (e), 102.17 (1) (g), 102.29 (3), 102.42 (2)
6 (a), 102.61 (1g) (c), 118.15 (3) (a), 146.81 (1) (b), 146.997 (1) (d) 2., 155.01 (7),
7 185.981 (1), 185.981 (2), 185.981 (3), 185.981 (4), 185.982 (1), 185.982 (2),
8 252.14 (1) (ar) 2., 254.35 (3) (b), 341.14 (1a), 341.14 (1e) (a), 341.14 (1m), 341.14
9 (1q), 343.51 (1), 440.08 (2) (a) 2., 446.02 (7) (a), 446.02 (7) (b), 446.02 (7) (c),
10 446.02 (7m) (a), 446.02 (7m) (b), 446.02 (8), 446.02 (9) (a), 446.02 (10) (a), 446.02
11 (10) (b), 446.04 (4), 446.05 (1), 448.51 (2) (c) (intro.), 448.51 (2) (c) 2. a., 448.51
12 (2) (c) 2. b., 448.525 (1), 448.525 (2), 448.56 (1), 448.56 (1m) (b), 450.10 (3) (a)
13 3., 628.46 (2m) (a), 632.64, 632.87 (3) (a) (intro.), 632.87 (3) (b) (intro.), 632.87
14 (3) (b) 1., 632.87 (3) (b) 2., 632.87 (3) (b) 4., 632.875 (1) (a), 632.875 (1) (b),
15 632.875 (1) (c), 632.875 (1) (d), 632.875 (2) (intro.), 632.875 (2) (b), 632.875 (3)

INSERT 2A

(a), 632.875 (3) (b), 632.99, 895.48 (1m) (intro.), 895.48 (1m) (b), 905.04 (title), 905.04 (1) (a), 905.04 (1) (b), 905.04 (1) (c), 905.04 (2), 905.04 (3), 905.04 (4) (a), 905.04 (4) (e) 2., 905.04 (4) (e) 3., 908.03 (6m) (a), 949.04 (3), 990.01 (5) and 990.01 (28); and **to repeal and recreate** 889.18 (1) (title) of the statutes; **relating to:** statutory references to ~~persons licensed to practice chiropractic~~ *physicians and chiropractors*

Analysis by the Legislative Reference Bureau

Under current law, a person who is licensed by the Chiropractic Examining Board to practice chiropractic is referred to as a "chiropractor." Under this bill, such a person is referred to as a "chiropractic physician."

INSERT 1-6

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 29.171 (4) (a) 5. of the statutes is amended to read:

29.171 (4) (a) 5. Has a permanent substantial loss of function in one or both shoulders and fails to meet the minimum standards of the standard shoulder strength tests, administered under the direction of a licensed physician or a licensed ~~chiropractor~~ chiropractic physician.

SECTION 2. 29.171 (4) (c) of the statutes is amended to read:

29.171 (4) (c) The department may issue a crossbow permit to an applicant who is ineligible for a permit under par. (a) or who is denied a permit under par. (a) if, upon review and after considering the physical condition of the applicant and the recommendation of a licensed physician or licensed ~~chiropractor~~ chiropractic physician selected by the applicant from a list of licensed physicians and licensed ~~chiropractors~~ chiropractic physicians compiled by the department, the department finds that issuance of a permit complies with the intent of this subsection. The use

delete to END

2003-2004 DRAFTING INSERT
FROM THE
LEGISLATIVE REFERENCE BUREAU

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MDK:.....

INSERT 2A:

This is a preliminary draft. An analysis will be prepared for a subsequent version of this draft.

INSERT 2-6:

SECTION 1. 15.165[✓] (5) (a) 7. of the statutes is amended to read:

15.165 (5) (a) 7. One member who is a physician, ~~as defined in s. 448.01 (5).~~

History: 1973 c. 151, 329; 1977 c. 29, 418; 1979 c. 221; 1981 c. 96; 1983 a. 192 s. 303 (7); 1983 a. 290; 1985 a. 230; 1987 a. 403; 1989 a. 31; 1993 a. 399; 1999 a. 9; 2001 a. 103.

SECTION 2. 15.405 (7[✓]m) of the statutes is amended to read:

15.405 (7m) NURSING HOME ADMINISTRATOR EXAMINING BOARD. There is created a nursing home administrator examining board in the department of regulation and licensing consisting of 9 members appointed for staggered 4-year terms and the secretary of health and family services or a designee, who shall serve as a nonvoting member. Five members shall be nursing home administrators licensed in this state. One member shall be a physician as defined in s. 448.01[✓] (5). One member shall be a nurse licensed under ch. 441. Two members shall be public members. No more than 2 members may be officials or full-time employees of this state.

History: 1973 c. 90, 156; 1975 c. 39, 86, 199, 200, 383, 422; 1977 c. 26, 29, 203; 1977 c. 418; 1979 c. 34 ss. 45, 47 to 52; 1979 c. 221, 304; 1981 c. 94 ss. 5, 9; 1981 c. 356; 1983 a. 27, 403, 485, 538; 1985 a. 340; 1987 a. 257 s. 2; 1987 a. 264, 265, 316; 1989 a. 316, 340; 1991 a. 39, 78, 160, 189, 269; 1993 a. 16, 102, 463, 465, 491; 1995 a. 27 s. 9126 (19); 1995 a. 225; 1995 a. 305 s. 1; 1995 a. 321, 417; 1997 a. 96, 252, 300; 2001 a. 16, 80.

SECTION 3. 15.407 (1m) of the statutes is amended to read:

15.407 (1m) RESPIRATORY CARE PRACTITIONERS EXAMINING COUNCIL. There is created a respiratory care practitioners examining council in the department of regulation and licensing and serving the medical examining board in an advisory capacity in the formulating of rules to be promulgated by the medical examining board for the regulation of respiratory care practitioners. The respiratory care practitioners examining council shall consist of 3 certified respiratory care practitioners, each of whom shall have engaged in the practice of respiratory care for

1 at least 3 years preceding appointment, one physician, as defined in s. 448.01 (5), and
2 one public member. The respiratory care practitioner and physician members shall
3 be appointed by the medical examining board. The members of the examining
4 council shall serve 3-year terms. Section 15.08 (1) to (4) (a) and (6) to (10) shall apply
5 to the respiratory care practitioners examining council.

History: 1973 c. 149; 1975 c. 39, 86, 199, 383, 422; 1977 c. 418; 1979 c. 34 ss. 46, 53; 1981 c. 390 s. 252; 1985 a. 332 s. 251 (1); 1987 a. 399; 1989 a. 229, 316, 341, 359; 1991 a. 316; 1993 a. 105, 107; 1997 a. 68, 175; 1997 a. 237 s. 727m; 1999 a. 32, 180, 186; 2001 a. 74, 89.

6 **SECTION 4. 15.915 (2) (b) of the statutes is amended to read:**

7 15.915 (2) (b) A representative of local health departments who is not an
8 employee of the department of health and family services, one physician, as defined
9 in s. 448.01 (5), representing clinical laboratories, one member representing private
10 environmental testing laboratories, one member representing occupational health
11 laboratories and 3 additional members, one of whom shall be a medical examiner or
12 coroner, appointed for 3-year terms. No member appointed under this paragraph
13 may be an employee of the laboratory of hygiene.

History: 1971 c. 323; 1973 c. 335; 1975 c. 39; 1977 c. 29 s. 1650m (2); 1977 c. 203, 418; 1979 c. 34 s. 50m; 1981 c. 346; 1985 a. 29; 1989 a. 20; 1989 a. 31 ss. 60m, 95e; 1991 a. 25; 1993 a. 27; 1995 a. 27 ss. 112b, 112c, 112d, 112h, 9126 (19); 1995 a. 227; 1997 a. 27 ss. 75m, 94e to 94m; 1997 a. 237 s. 722p; 1999 a. 107; 2001 a. 16.

14 **SECTION 5. 16.009 (1) (h) of the statutes is repealed.**

15 **SECTION 6. 20.927 (1m) of the statutes is amended to read:**

16 20.927 (1m) Except as provided under subs. (2) and (3), no funds of this state
17 or of any county, city, village, town or family care district under s. 46.2895 or of any
18 subdivision or agency of this state or of any county, city, village or town and no federal
19 funds passing through the state treasury shall be authorized for or paid to a
20 physician, as defined in s. 448.01 (5), or surgeon or a hospital, clinic or other medical
21 facility for the performance of an abortion.

History: 1977 c. 245; 1999 a. 9; 2001 a. 103.

22 **SECTION 7. 29.193 (3) (a) of the statutes is amended to read:**

1 29.193 (3) (a) Produces a certificate from a ~~licensed~~ physician, as defined in s.
2 448.01 (5), or optometrist stating that his or her sight is impaired to the degree that
3 he or she cannot read ordinary newspaper print with or without corrective glasses.

History: 1997 a. 248 ss. 135 to 142, 323, 410; 1997 a. 249[✓] ss. 3 to 13; 1997 a. 322 ss. 2, 3; 1999 a. 9, 32; 2001 a. 17.

4 **SECTION 8.** 30.67 (6) (b) of the statutes is amended to read:

5 30.67 (6) (b) In cases of death involving a boat in which the person died within
6 6 hours of the time of the accident, a blood specimen of at least 10 cc. shall be
7 withdrawn from the body of the decedent within 12 hours after his or her death, by
8 the coroner or medical examiner or by a physician, as defined in s. 448.01[✓] (5), so
9 designated by the coroner or medical examiner or by a qualified person at the
10 direction of the physician. All morticians shall obtain a release from the coroner or
11 medical examiner prior to proceeding with embalming any body coming under the
12 scope of this section. The blood so drawn shall be forwarded to a laboratory approved
13 by the state health officer for analysis of the alcoholic content of the blood specimen.
14 The coroner or medical examiner causing the blood to be withdrawn shall be notified
15 of the results of each analysis made and shall forward the results of each analysis
16 to the state health officer. The state health officer shall keep a record of all
17 examinations to be used for statistical purposes only. The cumulative results of the
18 examinations, without identifying the individuals involved, shall be disseminated
19 and made public by the state health officer. The department shall reimburse
20 coroners and medical examiners for the costs incurred in submitting reports and
21 taking blood specimens and laboratories for the costs incurred in analyzing blood
22 specimens under this section.

History: 1973 c. 302; 1979 c. 275; 1989 a. 359; 1991 a. 316[✓]

23 **SECTION 9.** 46.21 (2) (m) of the statutes is amended to read:

1 46.21 (2) (m) May establish and maintain in connection with such county
2 hospital, an emergency unit or department for the treatment, subject to such rules
3 as may be prescribed by the county board of supervisors, of persons in the county who
4 may meet with accidents or be suddenly afflicted with illness not contagious;
5 provided that medical care and treatment shall only be furnished in such unit or
6 department until such time as the patient may be safely removed to another hospital
7 or to his or her place of abode, or regularly admitted to the county hospital. The
8 county board of supervisors may also contract with any private hospital or nonprofit
9 hospital within the county for the use of its facilities and for medical service to be
10 furnished by a licensed physician, or physicians, as defined in s. 448.01 (5), to
11 patients who require emergency medical treatment or first aid as a result of any
12 accident, injury or sudden affliction of illness occurring within the county, except
13 that reasonable compensation may only be authorized until the patient is regularly
14 admitted as an inpatient or safely removed to another hospital or to his place of
15 abode. In this paragraph, "hospital" includes, without limitation due to
16 enumeration, public health centers, medical facilities and general, tuberculosis,
17 mental, chronic disease and other types of hospitals and related facilities, such as
18 laboratories, outpatient departments, nurses' home and training facilities, and
19 central service facilities operated in connection with hospitals. In this paragraph,
20 "hospital" does not include any hospital furnishing primarily domiciliary care. In
21 this paragraph "nonprofit hospital" means any hospital owned and operated by a
22 corporation or association, no part of the net earnings of which inures, or may
23 lawfully inure, to the benefit of any private shareholder or individual.

History: 1973 c. 136, 153, 262; 1975 c. 224; 1975 c. 413 s. 18; 1977 c. 271, 272, 449; 1979 c. 34; 1981 c. 217, 329, 391; 1983 a. 27, 239, 368, 524; 1985 a. 29 s. 3202 (23);
1985 a. 120, 176, 332; 1987 a. 399; 1989 a. 31, 112, 319; 1991 a. 274; 1993 a. 27, 186, 213, 446; 1995 a. 27, 77, 201; 1997 a. 27, 79, 164, 237, 283; 1999 a. 9.

SECTION 10. 46.245 of the statutes is amended to read:

1 **46.245 Information for certain pregnant women.** Upon request, a county
2 department under s. 46.215, 46.22 or 46.23 shall distribute the materials described
3 under s. 253.10 (3) (d), as prepared and distributed by the department. A physician,
4 as defined in s. 448.01 (5), who intends to perform or induce an abortion or another
5 qualified physician, as defined in s. 253.10 (2) (g), who reasonably believes that he
6 or she might have a patient for whom the information under s. 253.10 (3) (d) is
7 required to be given, shall request a reasonably adequate number of the materials
8 from the county department under this section or from the department under s.
9 253.10 (3) (d). An individual may request a reasonably adequate number of the
10 materials.

History: 1985 a. 56, 176; 1993 a. 27; 1995 a. 309; 1997 a. 27.

11 **SECTION 11.** 46.27 (1) (bg) of the statutes is created to read:

12 46.27 (1) (bg) "Physician" has the meaning given in s. 448.01 (5).

13 **SECTION 12.** 46.297 (2) (a) of the statutes is amended to read:

14 46.297 (2) (a) The person is certified as deaf or severely hearing impaired by
15 a physician, as defined in s. 448.01 (5), an audiologist licensed under subch. II of ch.
16 459, or the department.

History: 1983 a. 427; Stats. 1983 s. 46.90; 1983 a. 538 s. 51; Stats. 1983 s. 46.92; 1987 a. 27; 1987 a. 257 s. 2; 1989 a. 173 s. 3; Stats. 1989 s. 47.20; 1989 a. 316; 1995 a. 27 s. 2421; Stats. 1995 s. 46.297.

17 **SECTION 13.** 46.298 of the statutes is amended to read:

18 **46.298 Vehicle sticker for the hearing impaired.** Upon the request of a
19 person who is certified as hearing impaired by the department, by a physician, as
20 defined in s. 448.01 (5), by a hearing instrument specialist licensed under subch. I
21 of ch. 459 or by an audiologist licensed under subch. II of ch. 459, the department
22 shall issue to the person a decal or sticker for display on a motor vehicle owned or
23 frequently operated by the person to apprise law enforcement officers of the fact that
24 the vehicle is owned or operated by a hearing-impaired person. No charge shall be

1 made for issuance of the decal or sticker. The department shall specify the design
2 of the decal or sticker. The department shall designate the location on the vehicle
3 at which the decal or sticker shall be affixed by its own adhesive.

History: 1987 a. 257; 1989 a. 31; 1989 a. 173 s. 4; Stats. 1989 s. 47.25; 1989 a. 316; 1995 a. 27 s. 2422; Stats. s. 46.298.

4 **SECTION 14.** 46.87 (5) (a) 1. of the statutes is amended to read:

5 46.87 (5) (a) 1. At least one member of the household must be a person who has
6 been diagnosed by a physician, as defined in s. 448.01 (5), as having Alzheimer's
7 disease.

History: 1985 a. 29, 176; 1987 a. 27, 255, 403; 1989 a. 31, 336; 1991 a. 235; 1993 a. 27; 1997 a. 27; 2001 a. 16.

8 **SECTION 15.** 48.02 (14k) of the statutes is created to read:

9 48.02 (14k) "Physician" has the meaning given in s. 448.01 (5).

10 **SECTION 16.** 49.26 (1) (g) 11. of the statutes is amended to read:

11 49.26 (1) (g) 11. If the individual is the mother of a child, a physician, as defined
12 in s. 448.01 (5), has not determined that the individual should delay her return to
13 school after giving birth.

History: 1995 a. 27 ss. 2319 to 2324, 2898g to 2898i, 3101 to 3120b, 9130 (4), 9145 (1); 1995 a. 289; 1997 a. 3, 27, 239; 1999 a. 9.

14 **SECTION 17.** 49.43 (9) of the statutes is amended to read:

15 49.43 (9) "Physician" ~~means a person licensed to practice medicine and surgery,~~
16 ~~and includes graduates of osteopathic colleges holding an unlimited license to~~
17 ~~practice medicine and surgery~~ has the meaning given in s. 448.01 (5).

History: 1977 c. 29 ss. 383m, 391; 1977 c. 418 s. 929 (18); 1979 c. 221; 1981 c. 20 s. 2202 (20) (m); 1981 c. 93; 1983 a. 189; 1987 a. 27; 1987 a. 403 s. 256; 1987 a. 413; 1991 a. 39; 1993 a. 27, 99, 112, 437; 1995 s. 27 ss. 2649, 2661, 2943 to 2946, 9126 (19); 1999 a. 9; 2001 a. 16.

18 **SECTION 18.** 50.01 (4p) of the statutes is created to read:

19 50.01 (4p) "Physician" has the meaning given in s. 448.01 (5).

20 **SECTION 19.** 50.09 (1) (a) (intro.) of the statutes is amended to read:

21 50.09 (1) (a) (intro.) Private and unrestricted communications with the
22 resident's family, physician, chiropractor, attorney and any other person, unless
23 medically contraindicated as documented by the resident's physician in the

1 resident's medical record, except that communications with public officials or with
2 the resident's attorney shall not be restricted in any event. The right to private and
3 unrestricted communications shall include, but is not limited to, the right to:

History: 1975 c. 119, 199; 1977 c. 170 s. 33; Stats. 1977 s. 50.09; 1979 c. 175, 221; 1987 a. 27; 1989 a. 31; 1991 a. 39; 1997 a. 27, 114, 175.

4 **SECTION 20.** 50.36 (3g) (c) of the statutes is amended to read:

5 50.36 (3g) (c) If a hospital grants a psychologist hospital staff privileges or
6 limited hospital staff privileges under par. (b), the psychologist or the hospital shall,
7 prior to or at the time of hospital admission of a patient, identify an appropriate
8 physician, as defined in s. 448.01 (5), with admitting privileges at the hospital who
9 shall be responsible for the medical evaluation and medical management of the
10 patient for the duration of his or her hospitalization.

History: 1971 c. 211; 1975 c. 383 s. 4; 1975 c. 413 ss. 4, 18; 1975 c. 421; Stats. 1975 s. 50.36; 1977 c. 29; 1979 c. 34; 1981 c. 135; 1985 a. 340; 1989 a. 37; 1991 a. 129; 1993 a. 16, 30, 270; 1995 a. 27 ss. 3245, 3246, 9116 (S); 1997 a. 175; 1999 a. 9; 2001 a. 109.

11 **SECTION 21.** 50.49 (1) (d) of the statutes is created to read:

12 50.49 (1) (d) "Physician" has the meaning given in s. 448.01 (5).

13 **SECTION 22.** 50.90 (3) of the statutes is amended to read:

14 50.90 (3) "Palliative care" means management and support provided for the
15 reduction or abatement of pain, for other physical symptoms and for psychosocial or
16 spiritual needs of individuals with terminal illness and includes physician services
17 provided by a physician, skilled nursing care, medical social services, services of
18 volunteers, and bereavement services. "Palliative care" does not mean treatment
19 provided in order to cure a medical condition or disease or to artificially prolong life.

History: 1989 a. 199, 1993 a. 112.

20 **SECTION 23.** 51.01 (13m) of the statutes is created to read:

21 51.01 (13m) "Physician" has the meaning given in s. 448.01 (5).

22 **SECTION 24.** 55.043 (1) (b) (intro.) of the statutes is amended to read:

55.043 (1) (b) (intro.) The county protective services agency may transport the vulnerable adult for performance of a medical examination by a physician, as defined in s. 448.01 (5), if any of the following applies:

History: 1993 a. 445; 1997 a. 27; 2001 a. 74, 103.

SECTION 25. 59.53 (13) (a) of the statutes is amended to read:

59.53 (13) (a) No county, or agency or subdivision of the county, may authorize funds for or pay to a physician, as defined in s. 448.01 (5), or surgeon or a hospital, clinic or other medical facility for the performance of an abortion except those permitted under and which are performed in accordance with s. 20.927.

History: 1995 a. 201 ss. 151, 153, 169, 413, 188, 192, 198, 201 to 206, 208, 217, 229, 234, 237, 241, 334, 362, 364, 436, 453; 1995 a. 225 ss. 164, 170; 1995 a. 279 s. 7; 1995 a. 289 s. 217; 1995 a. 404 ss. 184, 186; 1997 a. 3, 27, 35, 41, 191, 252; 1999 a. 150 s. 672; 2001 a. 61.

SECTION 26. 66.0601 (1) (b) of the statutes is amended to read:

66.0601 (1) (b) *Payments for abortions restricted.* No city, village, town, family care district under s. 46.2895 or agency or subdivision of a city, village or town may authorize funds for or pay to a physician, as defined in s. 448.01 (5), or surgeon or a hospital, clinic or other medical facility for the performance of an abortion except those permitted under and which are performed in accordance with s. 20.927.

History: 1999 a. 65 s. 14; 1999 a. 150 ss. 89, 90, 92, 94, 165 to 167; 2001 a. 30.

SECTION 27. 69.01 (17m) of the statutes is created to read:

69.01 (17m) "Physician" has the meaning given in s. 448.01 (5).

SECTION 28. 77.51 (10m) of the statutes is created to read:

77.51 (10m) "Physician" has the meaning given in s. 448.01 (5).

SECTION 29. 95.21 (1) (dm) of the statutes is created to read:

95.21 (1) (dm) "Physician" has the meaning given in s. 448.01 (5).

SECTION 30. 100.43 (3) (c) of the statutes is amended to read:

100.43 (3) (c) A household substance, subject to special packaging standards, which is dispensed pursuant to a prescription of a physician, as defined in s. 448.01

1 (5), dentist, or other licensed medical practitioner may be sold in conventional or
2 noncomplying packages when directed in such prescription or requested by the
3 purchaser.

History: 1975 c. 117; 1977 c. 106 s. 15; 1977 c. 272; 1983 a. 189 s. 329 (20); 1985 a. 146 s. 8.

4 **SECTION 31.** 101.01 (10m) of the statutes is created to read:

5 101.01 (10m) "Physician" has the meaning given in s. 448.01 (5).

6 **SECTION 32.** 106.50 (2r) (bm) 2. of the statutes is amended to read:

7 106.50 (2r) (bm) 2. Subdivision 1. does not apply in the case of the rental of
8 owner-occupied housing if the owner or a member of his or her immediate family
9 occupying the housing possesses and, upon request, presents to the individual a
10 certificate signed by a physician, as defined in s. 448.01 (5), which states that the
11 owner or family member is allergic to the type of animal the individual possesses.

History: 1971 c. 185 s. 1; 1971 c. 228 s. 42; 1971 c. 230; 1971 c. 307 s. 51; Stats. 1971 s. 101.22; 1975 c. 94, 275, 421, 422; 1977 c. 29; 1977 c. 418 s. 929 (55); 1979 c. 110; 1979 c. 177 s. 85; 1979 c. 188, 221, 355; 1981 c. 112, 180; 1981 c. 391 s. 210; 1983 a. 27, 189; 1985 a. 238, 319; 1987 a. 262; 1989 a. 47 ss. 2 to 5, 8 to 11; 1989 a. 94, 106, 139, 359; 1991 a. 295, 315; 1993 a. 27; 1995 a. 27 s. 3687; Stats. 1995 s. 106.04; 1995 a. 225; 1995 a. 448 ss. 66, 68; 1997 a. 112, 237, 312; 1999 a. 82 ss. 38 to 74; Stats. 1999 s. 106.50; 1999 a. 150 s. 672; 1999 a. 162; 2001 a. 108 s. 108; 2001 a. 109.

12 **SECTION 33.** 115.53 (4) (a) of the statutes is amended to read:

13 115.53 (4) (a) The application shall be accompanied by the report of a physician,
14 as defined in s. 448.01 (5), appointed by the director of the Wisconsin Educational
15 Services Program for the Deaf and Hard of Hearing or the director of the Wisconsin
16 Center for the Blind and Visually Impaired and shall be in the same form as reports
17 of other physicians for admission of patients to such hospital.

History: 1971 c. 100 s. 23; 1971 c. 125 s. 522 (1); 1973 c. 90; 1973 c. 243 ss. 50, 82; 1977 c. 29; 1977 c. 418 s. 924 (50); 1977 c. 447 s. 206; 1979 c. 34 s. 2102 (43) (a); 1979 c. 110 s. 60 (12); 1981 c. 20; 1983 a. 27 ss. 1424, 2202 (42); 1985 a. 29; 1987 a. 27; 1993 a. 399, 492; 1995 a. 27 ss. 3891, 3892, 9145 (1); 1997 a. 27, 164; 1999 a. 9; 2001 a. 57.

18 **SECTION 34.** 118.25 (1) of the statutes is renumbered 118.25 (1) (intro.) and
19 amended to read:

20 118.25 (1) (intro.) In this section "~~school employee~~";

1 **(b) "School employee"** means a person employed by a school board who comes
2 in contact with children or who handles or prepares food for children while they are
3 under the supervision of school authorities.

History: 1979 c. 221, 301; 1993 a. 27, 492; 1995 a. 27 ss. 9126 (19), 9145 (1); 1997 a. 27.

4 **SECTION 35.** 118.25 (1) (a) of the statutes is created to read:

5 118.25 (1) (a) "Physician" has the meaning given in s. 448.01 (5).

6 **SECTION 36.** 118.29 (1) (e) of the statutes is amended to read:

7 118.29 (1) (e) "Practitioner" means any physician, as defined in s. 448.01 (5),
8 dentist, optometrist, physician assistant, advanced practice nurse prescriber, or
9 podiatrist licensed in any state.

History: 1983 a. 334; 1985 a. 146 s. 8; 1985 a. 218; 1987 a. 14, 399; 1989 a. 56, 102, 105; 1991 a. 103; 1997 a. 164; 1999 a. 56, 126; 2001 a. 16, 83.

10 **SECTION 37.** 146.0255 (2) of the statutes is amended to read:

11 146.0255 (2) TESTING. Any hospital employee who provides health care, social
12 worker or intake worker under ch. 48 may refer an infant or an expectant mother of
13 an unborn child, as defined in s. 48.02 (19), to a physician, as defined in s. 448.01 (5),
14 for testing of the bodily fluids of the infant or expectant mother for controlled
15 substances or controlled substance analogs if the hospital employee who provides
16 health care, social worker or intake worker suspects that the infant or expectant
17 mother has controlled substances or controlled substance analogs in the bodily fluids
18 of the infant or expectant mother because of the use of controlled substances or
19 controlled substance analogs by the mother while she was pregnant with the infant
20 or by the expectant mother while she is pregnant with the unborn child. The
21 physician may test the infant or expectant mother to ascertain whether or not the
22 infant or expectant mother has controlled substances or controlled substance
23 analogues in the bodily fluids of the infant or expectant mother, if the physician
24 determines that there is a serious risk that there are controlled substances or

1 controlled substance analogs in the bodily fluids of the infant or expectant mother
2 because of the use of controlled substances or controlled substance analogs by the
3 mother while she was pregnant with the infant or by the expectant mother while she
4 is pregnant with the unborn child and that the health of the infant, the unborn child
5 or the child when born may be adversely affected by the controlled substances or
6 controlled substance analogs. If the results of the test indicate that the infant does
7 have controlled substances or controlled substance analogs in the infant's bodily
8 fluids, the physician shall make a report under s. 46.238. If the results of the test
9 indicate that the expectant mother does have controlled substances or controlled
10 substance analogs in the expectant mother's bodily fluids, the physician may make
11 a report under s. 46.238. Under this subsection, no physician may test an expectant
12 mother without first receiving her informed consent to the testing.

History: 1989 a. 122, 359, 1993 a. 16, 446; 1995 a. 880, 448; 1997 a. 27, 35, 292.

13 **SECTION 38.** 146.17 of the statutes is amended to read:

14 **146.17 Limitations.** Nothing in the statutes shall be construed to authorize
15 interference with the individual's right to select his or her own physician, as defined
16 in s. 448.01 (5), or mode of treatment, nor as a limitation upon the municipality to
17 enact measures in aid of health administration, consistent with statute and acts of
18 the department.

History: 1993 a. 482.

19 **SECTION 39.** 146.31 (1) of the statutes is renumbered 146.31 (1r).

20 **SECTION 40.** 146.31 (1g) of the statutes is created to read:

21 146.31 (1g) In this section, "physician" has the meaning given in s. 448.01 (5).

22 **SECTION 41.** 146.55 (1) (fm) of the statutes is created to read:

23 146.55 (1) (fm) "Physician" has the meaning given in s. 448.01 (5).

24 **SECTION 42.** 146.89 (1) of the statutes is amended to read:

1 146.89 (1) In this section, "volunteer health care provider" means an individual
2 who is licensed as a physician under ch. 448, or who is licensed as a dentist under
3 ch. 447, registered nurse, practical nurse or nurse-midwife under ch. 441,
4 optometrist under ch. 449 or physician assistant under ch. 448 or certified as a
5 dietitian under subch. V of ch. 448 and who receives no income from the practice of
6 that health care profession or who receives no income from the practice of that health
7 care profession when providing services at the nonprofit agency specified under sub.
8 (3).

History: 1989 a. 206; 1991 a. 269; 1993 a. 28, 490; 1995 a. 27 ss. 4378 to 4380, 9126 (19); 1997 a. 27, 57, 67; 1999 a. 23.

9 **SECTION 43.** 155.01 (9m) of the statutes is created to read:

10 155.01 (9m) "Physician" has the meaning given in s. 448.01 (5).

11 **SECTION 44.** 155.05 (2) of the statutes is amended to read:

12 155.05 (2) Unless otherwise specified in the power of attorney for health care
13 instrument, an individual's power of attorney for health care takes effect upon a
14 finding of incapacity by 2 physicians, ~~as defined in s. 448.01 (5),~~ or one physician and
15 one licensed psychologist, as defined in s. 455.01 (4), who personally examine the
16 principal and sign a statement specifying that the principal has incapacity. Mere old
17 age, eccentricity or physical disability, either singly or together, are insufficient to
18 make a finding of incapacity. Neither of the individuals who make a finding of
19 incapacity may be a relative of the principal or have knowledge that he or she is
20 entitled to or has a claim on any portion of the principal's estate. A copy of the
21 statement, if made, shall be appended to the power of attorney for health care
22 instrument.

History: 1989 a. 200.

23 **SECTION 45.** 157.05 of the statutes is amended to read:

1 **157.05 Autopsy.** Consent for a licensed physician, as defined in s. 448.01 (5),
2 to conduct an autopsy on the body of a deceased person shall be deemed sufficient
3 when given by whichever one of the following assumes custody of the body for
4 purposes of burial: Father, mother, husband, wife, child, guardian, next of kin, or in
5 the absence of any of the foregoing, a friend, or a person charged by law with the
6 responsibility for burial. If 2 or more such persons assume custody of the body, the
7 consent of one of them shall be deemed sufficient.

History: 1979 c. 110; 1985 a. 316 s. 14; Stats. 1985 s. ~~157.05~~.

8 **SECTION 46.** 157.06 (1) (h) of the statutes is amended to read:

9 157.06 (1) (h) "Physician" means has the meaning given in s. 448.01 (5), and
10 also includes an individual licensed or otherwise authorized to practice medicine and
11 surgery or osteopathy and surgery under the laws of any state.

History: 1971 c. 40 s. 93; 1971 c. 213 s. 5; 1977 c. 46, 124; 1979 c. 175 s. 53; 1979 c. 221 s. 2202 (45); 1981 c. 20, 290; 1983 a. 485; 1985 a. 286, 315; 1985 a. 316 s. 14; Stats. 1985 s. 157.06; 1989 a. 105; 1989 a. 298 ss. 3, 10m, 11m; 1991 a. 32; 1995 a. 27 s. 9126 (19); 1997 a. 52, 206, 305; 1999 a. 83; 2001 a. 103.

12 **SECTION 47.** 165.765 (2) (a) of the statutes is amended to read:

13 165.765 (2) (a) Any physician, as defined in s. 448.01 (5), registered nurse,
14 medical technologist, physician assistant or person acting under the direction of a
15 physician who obtains a biological specimen under s. 165.76, 938.34 (15), 973.047 or
16 980.063 is immune from any civil or criminal liability for the act, except for civil
17 liability for negligence in the performance of the act.

History: 1993 a. 98; 1995 a. 77, 440.

18 **SECTION 48.** 185.983 (1) of the statutes is renumbered 185.983 (1r).

19 **SECTION 49.** 185.983 (1g) of the statutes is created to read:

20 185.983 (1g) "Physician" has the meaning given in s. 448.01 (5).

21 **SECTION 50.** 252.01 (5) of the statutes is created to read:

22 252.01 (5) "Physician" has the meaning given in s. 448.01 (5).

23 **SECTION 51.** 252.14 (1) (ar) 4. of the statutes is amended to read:

252.14 (1) (ar) 4. A physician ~~licensed under subch. II of ch. 448.~~

History: 1989 a. 201; 1991 a. 32, 39, 160, 189, 269, 315; 1993 a. 27 ss. 326 to 331; Stats. 1993 s. 252.14; 1993 a. 105, 190, 252, 443; 1993 a. 490 s. 143; 1993 a. 491, 495; 1995 a. 27 ss. 6322, 9145 (1); 1997 a. 27, 35, 67, 75, 175; 1999 a. 9, 32, 180; 2001 a. 70, 80, 89.

SECTION 52. 252.15 (1) (am) of the statutes is amended to read:

252.15 (1) (am) "Health care professional" means a physician ~~who is licensed~~
~~under ch. 448~~ or a registered nurse or licensed practical nurse who is licensed under
ch. 441.

History: 1985 a. 29, 73, 120; 1987 a. 70 ss. 13 to 27, 36; 1987 a. 403 ss. 136, 256; 1989 a. 200; 1989 a. 201 ss. 11 to 25, 36; 1989 a. 298, 359; 1991 a. 269; 1993 a. 16 s. 7567; 1993 a. 27 ss. 332, 334, 337, 340, 342; Stats. 1993 s. 252.15; 1993 a. 32, 183, 190, 252, 395, 491; 1995 a. 27 ss. 6323, 9116 (5), 9126 (12); 1995 a. 77, 275; 1997 a. 54, 80, 156, 188; 1999 a. 9, 32, 79, 151, 162, 188; 2001 a. 38, 59, 69, 74, 103, 105.

SECTION 53. 252.23 (1) (a) of the statutes is amended to read:

252.23 (1) (a) "Tattoo" has the meaning given in s. 948.70 (1) ~~(b)~~.

History: 1995 a. 468; 1997 a. 191, 237.

SECTION 54. 253.01 of the statutes is renumbered 253.01 (intro.) and amended
to read:

253.01 (intro.) Definition Definitions. In this chapter, "~~division~~":

(1) "Division" means the division within the department that has primary
responsibility for health issues.

History: 1993 a. 27.

SECTION 55. 253.01 (2) of the statutes is created to read:

253.01 (2) "Physician" has the meaning given in s. 448.01 (5).

SECTION 56. 253.01 (2m) of the statutes is created to read:

253.01 (2m) "Physician" has the meaning given in s. 448.01 (5).

SECTION 57. 301.45 (1d) (q) of the statutes is created to read:

301.45 (1d) (q) "Physician" has the meaning given in s. 448.01 (5).

SECTION 58. 302.10 of the statutes is amended to read:

302.10 Solitary confinement. For violation of the rules of the prison an
inmate may be confined to a solitary cell, under the care and advice of the physician,
as defined in s. 448.01 (5).

History: 1989 a. 31 s. 1628; Stats. s. 302.10.

✓
1 **SECTION 59.** 302.113 (9g) (c) of the statutes is amended to read:

2 **302.113 (9g) (c)** An inmate who meets the criteria under par. (b) may submit
3 a petition to the program review committee at the correctional institution in which
4 the inmate is confined requesting a modification of the inmate's bifurcated sentence
5 in the manner specified in par. (f). If the inmate alleges in the petition that he or she
6 has a terminal condition, the inmate shall attach to the petition affidavits from 2
7 physicians, as defined in s. 448.01 (5), setting forth a diagnosis that the inmate has
8 a terminal condition.

History: 1997 a. 283; 2001 a. 16, 109.

✓
9 **SECTION 60.** 302.37 (2) of the statutes is amended to read:

10 **302.37 (2)** Neither the sheriff or other keeper of any jail nor any other person
11 shall give, sell or deliver to any prisoner for any cause whatever any alcohol
12 beverages unless a physician, as defined in s. 448.01 (5), certifies in writing that the
13 health of the prisoner requires it, in which case the prisoner may be allowed the
14 quantity prescribed.

History: 1979 c. 34; 1981 c. 79 s. 17; 1985 a. 167; 1989 ~~a.~~ s. 1653; Stats. 1989 s. 302.37; 1991 a. 316; 1993 a. 213.

15 **SECTION 61.** 302.383 (1) (b) of the statutes is amended to read:

16 **302.383 (1) (b)** Ensure that the prisoner has been fully informed about his or
17 her treatment needs, the mental health services available to him or her and his or
18 her rights under ch. 51, and ensure that the prisoner has had an opportunity to
19 discuss his or her needs, the services available to him or her and his or her rights with
20 a licensed physician, as defined in s. 448.01 (5), licensed psychologist, or other mental
21 health professional.

History: 1987 a. 394; 1989 a. 31 s. 1658; Stats. 1989 s. 302.383.

22 **SECTION 62.** 302.40 of the statutes is amended to read:

1 **302.40 Discipline; solitary confinement.** For violating the rules of the jail,
2 an inmate may be kept in solitary confinement, under the care and advice of a
3 physician, as defined in s. 448.01 (5), but not over 10 days.

History: 1989 a. 31 s. 1664; Stats. 1989 s. 302.40.

4 **SECTION 63.** 343.045[✓] of the statutes is created to read:

5 **343.045 Definition.** In this subchapter, "physician" has the meaning given
6 in s. 448.01 (5).

7 **SECTION 64.** 343.63[✓] (4) of the statutes is amended to read:

8 343.63 (4) The applicant shall submit with his or her application a statement
9 completed by a registered physician showing that in the physician's judgment the
10 applicant is physically fit to teach driving.

History: 1977 c. 29 s. 1654 (7) (a); 1987 a. 261.

11 **SECTION 65.** 346.01[✓] (3) of the statutes is created to read:

12 346.01 (3) In this chapter, "physician" has the meaning given in s. 448.01 (5).

13 **SECTION 66.** 347.485[✓] (2) (b) of the statutes is amended to read:

14 347.485 (2) (b) Except for photosensitive corrective glasses prescribed by an
15 ophthalmologist, physician, as defined in s. 448.01 (5)[✓], oculist or optometrist, eye
16 protection worn during hours of darkness may not be tinted or darkened.

History: 1977 c. 29 s. 1654 (7) (e); 1977 c. 204, 447; 1983 a. 133, 243, 538; 1985 a. 65, 85.

17 **SECTION 67.** 350.155[✓] (2) of the statutes is amended to read:

18 350.155 (2) In cases of death involving a snowmobile in which the decedent died
19 within 6 hours of the time of the accident, a blood specimen of at least 10 cc. shall be
20 withdrawn from the body of the decedent within 12 hours after death, by the coroner
21 or medical examiner or by a physician, as defined in s. 448.01 (5)[✓], so designated by
22 the coroner or medical examiner or by a qualified person at the direction of such
23 physician. All funeral directors shall obtain a release from the coroner or medical
24 examiner prior to proceeding with embalming any body coming under the scope of

1 this section. The blood so drawn shall be forwarded to a laboratory approved by the
2 department of health and family services for analysis of the alcoholic content of such
3 blood specimen. The coroner or medical examiner causing the blood to be withdrawn
4 shall be notified of the results of each analysis made and shall forward the results
5 of each such analysis to the department of health and family services. The
6 department of health and family services shall keep a record of all such examinations
7 to be used for statistical purposes only. The cumulative results of the examinations,
8 without identifying the individuals involved, shall be disseminated and made public
9 by the department of health and family services. The department shall reimburse
10 coroners and medical examiners for the costs incurred in submitting reports and
11 taking blood specimens and laboratories for the costs incurred in analyzing blood
12 specimens under this section.

History: 1973 c. 298; 1975 c. 39 s. 732 (2); 1975 c. 199; 1982 a. 485; 1991 a. 316; 1995 a. 27 s. 9126 (19).

13 **SECTION 68.** 441.15 (2) (b) of the statutes is amended to read:

14 441.15 (2) (b) The practice occurs in a health care facility approved by the board
15 by rule under sub. (3) (c), in collaboration with a physician, as defined in s. 448.01
16 (5), with postgraduate training in obstetrics, and pursuant to a written agreement
17 with that physician.

History: 1979 c. 317; 1983 a. 273; 1987 a. 264; 1991 a. 39; 1999 a. 22; 2001 a. 52, 105, 107.

18 **SECTION 69.** 441.16 (6) of the statutes is amended to read:

19 441.16 (6) Nothing in this section prohibits a nurse from issuing a prescription
20 order as an act delegated by a physician, as defined in s. 448.01 (5).

History: 1993 a. 138; 1995 a. 448.

21 **SECTION 70.** 444.10 of the statutes is amended to read:

22 **444.10 Physician to examine contestants.** Prior to entering the ring, each
23 contestant must be examined by a physician, as defined in s. 448.01 (5), who has been
24 licensed to practice in Wisconsin not less than 5 years and who is appointed by the

1 department and certifies in writing, over his or her signature, as to the contestant's
2 physical and mental fitness to engage in such contest.

History: 1979 c. 162 s. 38 (1); 1979 c. 221 s. 2200 (45); 1991 a. 316.

3 **SECTION 71.** 445.14 of the statutes is amended to read:

4 **445.14 Funeral directors; who to employ.** No public officer, employee or
5 officer of any public institution, physician or surgeon, as defined in s. 448.01 (5), shall
6 send, or cause to be sent, to any funeral director, the corpse of any deceased person,
7 without having first made due inquiry as to the desires of the next of kin, or any
8 persons who may be chargeable with the funeral expenses of such deceased person,
9 and if any such kin or person is found, his or her authority or direction shall be
10 received as to the disposal of such corpse.

History: 1979 c. 175 s. 29; 1979 c. 221 s. 662; Stats. 1979 s. 445.14; 1983 a. 485.

11 **SECTION 72.** 447.03 (3) (h) of the statutes is amended to read:

12 447.03 (3) (h) A physician ~~or surgeon~~ licensed in this state, as defined in s.
13 448.01 (5), who extracts teeth, or operates upon the palate or maxillary bones and
14 investing tissues, or who administers anesthetics, either general or local.

History: 1989 a. 349 ss. 15, 18; 1997 a. 96.

15 **SECTION 73.** 449.01 (2) of the statutes is amended to read:

16 **449.01 (2) DISPENSING OPTICIANS.** A dispensing optician is one who practices
17 optical dispensing. The practice of optical dispensing comprises the taking of
18 necessary facial measurements and the processing, fitting and adjusting of
19 mountings, frames, lenses and kindred products in the filling of prescriptions of duly
20 licensed physicians or optometrists for ophthalmic lenses. Duplications,
21 replacements or reproductions not requiring optometric service may be done without
22 prescription. Nothing herein contained shall change the responsibility of physician
23 to patient, or optometrist to patient.

History: 1977 c. 83, 280; 1979 c. 32; 1989 a. 31; 1999 a. 85.

1 **SECTION 74.** 449.01 (5) of the statutes is created to read:

2 449.01 (5) **PHYSICIAN.** In this chapter, "physician" has the meaning given in
3 s. 448.01 (5).

4 **SECTION 75.** 449.02 (2) of the statutes is amended to read:

5 449.02 (2) This section shall not apply to physicians ~~and surgeons duly licensed~~
6 ~~as such in Wisconsin~~ nor shall this section apply to the sale of spectacles containing
7 simple lenses of a plus power only at an established place of business incidental to
8 other business conducted therein, without advertising other than price marking on
9 the spectacles, if no attempt is made to test the eyes. The term "simple lens" shall
10 not include bifocals.

11 Cross Reference: Cross Reference: Cross Reference: See also ch. Opt 4, Wis. adm. code. Cross Reference:

12 **SECTION 76.** 450.01 (15m) of the statutes is created to read:

13 450.01 (15m) "Physician" has the meaning given in s. 448.01 (5).

14 **SECTION 77.** 450.01 (22) of the statutes is amended to read:

15 450.01 (22) "Vaccination protocol" means a written protocol agreed to by a
16 physician, ~~as defined in s. 448.01 (5)~~, and a pharmacist that establishes procedures
17 and record-keeping and reporting requirements for the administration of a vaccine
18 by a pharmacist for a period specified in the protocol that may not exceed 2 years.

19 History: 1985 a. 146; 1987 a. 65; 1991 a. 114; 1995 ~~a. 448~~; 1997 a. 27, 68; 1997 a. 237 s. 727m.

19 **SECTION 78.** 454.01 (14m) of the statutes is created to read:

20 454.01 (14m) "Physician" has the meaning given in s. 448.01 (5).

21 **SECTION 79.** 454.02 (1) of the statutes is amended to read:

22 454.02 (1) Licenses to practice barbering or cosmetology do not confer the right
23 to diagnose, prescribe for or treat diseases or conditions except as indicated in the

1 definition of barbering or cosmetology in s. 454.01 (5) or under the direction of a
2 licensed and practicing physician.

History: 1987 a. 265; 1993 a. 105.

3 **SECTION 80.** 459.035 of the statutes is amended to read:

4 **459.035 Medical exam before being fitted.** A hearing aid shall not be fitted
5 for or sold to a child 16 years of age or younger unless within 90 days prior to the
6 fitting the person to be fitted has been examined by a physician, as defined in s.
7 448.01 (5), to determine whether or not he or she has any physical deficiencies that
8 would prohibit the effective use of a hearing aid.

History: 1979 c. 162 s. 38 (4).

9 **SECTION 81.** 560.183 (1) (b) of the statutes is amended to read:

10 560.183 (1) (b) "Physician" means a physician, ~~as defined in s. 448.01 (5),~~ who
11 specializes in family practice, general internal medicine, general pediatrics,
12 obstetrics and gynecology, or psychiatry.

History: 1989 a. 317; 1989 a. 359 s. 380; 1991 a. 39/1995 a. 27; 1997 a. 27, 237; 1999 a. 9; 2001 a. 16.

13 **SECTION 82.** 632.08 (1) (am) of the statutes is created to read:

14 632.08 (1) (am) In this subsection, "physician" has the meaning given in s.
15 448.01 (5).

16 **SECTION 83.** 632.835 (1) (cm) of the statutes is created to read:

17 632.835 (1) (cm) In this subsection, "physician" has the meaning given in s.
18 448.01 (5).

19 **SECTION 84.** 632.89 (1) (eg) of the statutes is created to read:

20 632.89 (1) (eg) In this subsection, "physician" has the meaning given in s.
21 448.01 (5).

22 **SECTION 85.** 765.03 (1) of the statutes is amended to read:

23 765.03 (1) No marriage shall be contracted while either of the parties has a
24 husband or wife living, nor between persons who are nearer of kin than 2nd cousins

1 except that marriage may be contracted between first cousins where the female has
2 attained the age of 55 years or where either party, at the time of application for a
3 marriage license, submits an affidavit signed by a physician, as defined in s. 448.01
4 (5), stating that either party is permanently sterile. Relationship under this section
5 shall be computed by the rule of the civil law, whether the parties to the marriage are
6 of the half or of the whole blood. A marriage may not be contracted if either party
7 has such want of understanding as renders him or her incapable of assenting to
8 marriage.

History: 1971 c. 220; 1977 c. 8, 83, 203; 1979 c. 32 s. 48; Stats. 1979 s. 765.03.

9 **SECTION 86.** 767.001 (5m) of the statutes is created to read:

10 767.001 (5m) "Physician" has the meaning given in s. 448.01 (5).

11 **SECTION 87.** 804.10^x(1) of the statutes is renumbered 804.10 (1r).

12 **SECTION 88.** 804.10 (1g) of the statutes is created to read:

13 804.10 (1g) In this section, "physician" has the meaning given in s. 448.01 (5).

14 **SECTION 89.** 804.10[✓] (3) (a) of the statutes is amended to read:

15 804.10 (3) (a) No evidence obtained by an adverse party by a court-ordered
16 examination under sub. (1) [✓](1r) or inspection under sub. (2) shall be admitted upon
17 the trial by reference or otherwise unless true copies of all reports prepared pursuant
18 to such examination or inspection and received by such adverse party have been
19 delivered to the other party or attorney not later than 10 days after the reports are
20 received by the adverse party. The party claiming damages shall deliver to the
21 adverse party, in return for copies of reports based on court-ordered examination or
22 inspection, a true copy of all reports of each person who has examined or treated the
23 claimant with respect to the injuries for which damages are claimed.

History: Sup. Ct. Order, 67 Wis. 2d 585, 680 (1975); 1975 c. 218; 1993 a. 424; 1995 a. 345.

24 **SECTION 90.** 880.33 (1) of the statutes is amended to read:

1 880.33 (1) Whenever it is proposed to appoint a guardian on the ground of
2 incompetency, a licensed physician, as defined in s. 448.01 (5), or licensed
3 psychologist, or both, shall furnish a written statement concerning the mental
4 condition of the proposed ward, based upon examination. The privilege under s.
5 905.04 shall not apply to this statement. A copy of the statement shall be provided
6 to the proposed ward, guardian ad litem and attorney. Prior to the examination,
7 under this subsection, of a person alleged to be not competent to refuse psychotropic
8 medication under s. 880.07 (1m), the person shall be informed that his or her
9 statements may be used as a basis for a finding of incompetency and an order for
10 protective services, including psychotropic medication. The person shall also be
11 informed that he or she has a right to remain silent and that the examiner is required
12 to report to the court even if the person remains silent. The issuance of such a
13 warning to the person prior to each examination establishes a presumption that the
14 person understands that he or she need not speak to the examiner.

History: 1973 c. 284; 1975 c. 393, 421; 1977 c. 29, 187; 1977 c. 203 s. 106; 1977 c. 299, 318, 394, 418, 447; 1979 c. 110, 356; 1981 c. 379; 1987 a. 366; Sup. Ct. Order, 151 Wis. 2d xxii, xxiv; 1989 a. 200; Sup. Ct. Order, 153 Wis. 2d xxim xxv (1989); 1991 a. 32, 39; 1993 a. 16, 316; 1995 a. 27 s. 9126 (19); Sup. Ct. Order No. 96-08, 207 Wis. 2d xv (1997); 1997 a. 237.

15 **SECTION 91.** 880.33 (4m) (b) 1. of the statutes is amended to read:

16 880.33 (4m) (b) 1. Order the appropriate county department under s. 46.23,
17 51.42 or 51.437 to develop or furnish, to provide to the ward, and to submit to the
18 court, a treatment plan specifying the protective services, including psychotropic
19 medication as ordered by the treating physician, as defined in s. 448.01 (5), that the
20 proposed ward should receive.

History: 1973 c. 284; 1975 c. 393, 421; 1977 c. 29, 187; 1977 c. 203 s. 106; 1977 c. 299, 318, 394, 418, 447; 1979 c. 110, 356; 1981 c. 379; 1987 a. 366; Sup. Ct. Order, 151 Wis. 2d xxii, xxiv; 1989 a. 200; Sup. Ct. Order, 153 Wis. 2d xxim xxv (1989); 1991 a. 32, 39; 1993 a. 16, 316; 1995 a. 27 s. 9126 (19); Sup. Ct. Order No. 96-08, 207 Wis. 2d xv (1997); 1997 a. 237.

21 **SECTION 92.** 891.09 (2) of the statutes is amended to read:

22 891.09 (2) CHURCH AND DOCTOR'S RECORDS. Any church, parish or baptismal
23 record, and any record of a physician, as defined in s. 448.01 (5), or a person

1 authorized to solemnize marriages, in which record are preserved the facts relating
2 to any birth, stillbirth, fetal death, marriage or death, including the names of the
3 persons, dates, places and other material facts, may be admitted as prima facie
4 evidence of any fact aforesaid. But such record must be produced by its proper
5 custodian and be supported by the custodian's oath that it is such a record as it
6 purports to be and is genuine to the best of the custodian's knowledge and belief.

History: Sup. Ct. Order, 59 Wis. 2d R6 (1973); 1993~~a~~^a 27, 486.

7 **SECTION 93.** 891.40 (1) of the statutes is amended to read:

8 891.40 (1) If, under the supervision of a licensed physician, as defined in s.
9 448.01 (5), and with the consent of her husband, a wife is inseminated artificially
10 with semen donated by a man not her husband, the husband of the mother at the time
11 of the conception of the child shall be the natural father of a child conceived. The
12 husband's consent must be in writing and signed by him and his wife. The physician
13 shall certify their signatures and the date of the insemination, and shall file the
14 husband's consent with the department of health and family services, where it shall
15 be kept confidential and in a sealed file except as provided in s. 46.03 (7) (bm).
16 However, the physician's failure to file the consent form does not affect the legal
17 status of father and child. All papers and records pertaining to the insemination,
18 whether part of the permanent record of a court or of a file held by the supervising
19 physician or elsewhere, may be inspected only upon an order of the court for good
20 cause shown.

History: 1979 c. 352; 1983 a. 447; 1995 a. 27 s. 9126 (19).

21 **SECTION 94.** 891.40 (2) of the statutes is amended to read:

22 891.40 (2) The donor of semen provided to a licensed physician, as defined in
23 s. 448.01 (5), for use in artificial insemination of a woman other than the donor's wife

1 is not the natural father of a child conceived, bears no liability for the support of the
2 child and has no parental rights with regard to the child.

History: 1979 c. 352; 1983 a. 447; 1995 a. 27 s. 9126 (19). ✓

3 **SECTION 95.** 938.02 (14g) of the statutes is created to read:

4 938.02 (14g) "Physician" has the meaning given in s. 448.01 (5). ✓

5 **SECTION 96.** 938.48 (6) ✓ of the statutes is amended to read:

6 938.48 (6) Consent to emergency surgery under the direction of a licensed
7 physician ~~or surgeon~~ for any juvenile under its supervision under s. 938.183, 938.34
8 (4h), (4m) or (4n) or 938.357 (4) upon notification by a licensed physician ~~or surgeon~~
9 of the need for such surgery and if reasonable effort, compatible with the nature and
10 time limitation of the emergency, has been made to secure the consent of the
11 juvenile's parent or guardian.

History: 1995 a. 77; 1997 a. 27; 2001 a. 38. ✓

12 **SECTION 97.** 939.615 (6) (e) of the statutes is amended to read:

13 939.615 (6) (e) A person filing a petition requesting termination of lifetime
14 supervision who is entitled to a hearing under par. (d) 2. shall be examined by a
15 person who is either a physician, as defined in s. 448.01 (5), ✓ or a psychologist licensed
16 under ch. 455 and who is approved by the court. The physician or psychologist who
17 conducts an examination under this paragraph shall prepare a report of his or her
18 examination that includes his or her opinion of whether the person petitioning for
19 termination of lifetime supervision is a danger to public. The physician or
20 psychologist shall file the report of his or her examination with the court within 60
21 days after completing the examination, and the court shall provide copies of the
22 report to the person filing the petition and the district attorney who received a copy
23 of the person's petition under par. (c). The contents of the report shall be confidential
24 until the physician or psychologist testifies at a hearing under par. (f). The person

petitioning for termination of lifetime supervision shall pay the cost of an examination required under this paragraph.

History: 1997 a. 275; 1999 a. 3, 89; 2001 a. 109.

SECTION 98. 940.001 of the statutes is created to read:

940.001 Definition. In this subchapter, "physician" has the meaning given in s. 448.01 (5).

SECTION 99. 941.315 (1) (c) of the statutes is created to read:

941.315 (1) (c) "Physician" has the meaning given in s. 448.01 (5).

SECTION 100. 948.01 (3o) of the statutes is created to read:

948.01 (3o) "Physician" has the meaning given in s. 448.01 (5).

SECTION 101. 948.70 (1) (intro.) and (b) of the statutes are consolidated, renumbered 948.70 (1) and amended to read:

948.70 (1) In this section: ~~"Tattoo"~~ ^{LPs:} "tattoo" means to insert pigment under the surface of the skin of a person, by pricking with a needle or otherwise, so as to produce an indelible mark or figure through the skin. ^{← strike (b)}

History: 1991 a. 106.

SECTION 102. 948.70 (1) (a) of the statutes is repealed.

SECTION 103. 967.02 (2) of the statutes is amended to read:

967.02 (2) "Department" means the department of corrections, except as provided in s. 975.001 (1).

History: 1971 c. 298; 1977 c. 323, 449; 1979 c. 89; 1989 a. 31; 1993 a. 486; 1995 a. 27; 1997 a. 27.

SECTION 104. 968.255 (3) of the statutes is amended to read:

968.255 (3) No person other than a physician, as defined in s. 448.01 (5), physician assistant or registered nurse licensed to practice in this state may conduct a body cavity search.

History: 1979 c. 240; 1981 c. 297; 1987 a. 332; 1991 a. 17; 1993 a. 95, 105; 1995 a. 77, 154; 1997 a. 35; 1999 a. 9; 2001 a. 109.

SECTION 105. 971.14 (2) (g) of the statutes is amended to read:

1 971.14 (2) (g) The defendant may be examined for competency purposes at any
2 stage of the competency proceedings by physicians, as defined in s. 448.01 (5), or
3 other experts chosen by the defendant or by the district attorney, who shall be
4 permitted reasonable access to the defendant for purposes of the examination.

History: 1981 c. 367; 1985 a. 29, 176; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1987 a. 85, 403; 1989 a. 31, 107; Sup. Ct. Order, 158 Wis. 2d xvii (1990); 1991 a. 32; 1995 a. 27 s. 9126 (19); 1995 a. 268; 1997 a. 252; 2001 a. 16.

5 **SECTION 106.** 971.14 (5) (am) of the statutes is amended to read:

6 971.14 (5) (am) If the defendant is not subject to a court order determining the
7 defendant to be not competent to refuse medication or treatment for the defendant's
8 mental condition and if the treatment facility determines that the defendant should
9 be subject to such a court order, the treatment facility may file with the court with
10 notice to the counsel for the defendant, the defendant and the district attorney, a
11 motion for a hearing, under the standard specified in sub. (3) (dm), on whether the
12 defendant is not competent to refuse medication or treatment. A report on which the
13 motion is based shall accompany the motion and notice of motion and shall include
14 a statement signed by a licensed physician, as defined in s. 448.01 (5), that asserts
15 that the defendant needs medication or treatment and that the defendant is not
16 competent to refuse medication or treatment, based on an examination of the
17 defendant by such a licensed physician. Within 10 days after a motion is filed under
18 this paragraph, the court shall, under the procedures and standards specified in sub.
19 (4) (b), determine the defendant's competency to refuse medication or treatment for
20 the defendant's mental condition. At the request of the defendant, the defendant's
21 counsel or the district attorney, the hearing may be postponed, but in no case may
22 the postponed hearing be held more than 20 days after a motion is filed under this
23 paragraph.

History: 1981 c. 367; 1985 a. 29, 176; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1987 a. 85, 403; 1989 a. 31, 107; Sup. Ct. Order, 158 Wis. 2d xvii (1990); 1991 a. 32; 1995 a. 27 s. 9126 (19); 1995 a. 268; 1997 a. 252; 2001 a. 16.

SECTION 107. 975.001[✓] of the statutes is renumbered 975.001 (intro.) and amended to read:

975.001 (intro.) ~~Definition~~ **Definitions.** In this chapter, ~~"department"~~;

(1) "Department" means the department of health and family services.

History: 1989 a. 31; 1995 a. 27 s. 9126 (19). ✓

SECTION 108. 975.001 (2) of the statutes is created to read:

975.001 (2) "Physician" has the meaning given in s. 448.01 (5). ✓

SECTION 109. 979.001[✓] of the statutes is created to read:

979.001 **Definition.** In this section "physician" has the meaning given in s. 448.01 (5). ✓

SECTION 110. 990.01[✓] (25v) of the statutes is created to read:

990.01 (25v) **OSTEOPATH.** "Osteopath" means a person holding a license or certificate of registration from the medical examining board.

SECTION 111. 990.01 (28) of the statutes is amended to read:

990.01 (28) ~~PHYSICIAN, SURGEON OR OSTEOPATH.~~ "Physician," [✓] "surgeon" or "osteopath" or "licensed physician" means a person holding a license or certificate of registration from the medical examining board or chiropractic examining board.

History: 1971 c. 164 ss. 80, 91; 1971 c. 213 s. 5; Sup. Ct. Order, 67 Wis. 2d 784; 1977 c. 305; 1979 c. 169; 1981 c. 291, 391; 1983 a. 447; 1985 a. 65, 182, 332; Sup. Ct. Order, 141 Wis. 2d xiii (1987); 1987 a. 399; 1989 a. 56, 278; 1991 a. 39; 1993 a. 486; 1995 a. 27 ss. 7294, 7295, 9126 (19); 1995 a. 77, 352; 1997 a. 252, 306; 1999 a. 22, 85; 2001 a. 102. ✓

SECTION 112. 990.01 (40m) of the statutes is created to read:

990.01 (40m) **SURGEON.** "Surgeon" means a person holding a license or certificate of registration from the medical examining board.

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space

**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1423/P2dn

MDK/CJF

Date

Representative Foti:

This draft includes the rule (expressed in the amendment of s. 990.01 (28), stats.) that, unless otherwise specified, a reference to a "physician" anywhere in the statutes is intended to refer to either a medical physician licensed by the medical examining board or a chiropractor licensed by the chiropractic examining board. Therefore, it isn't necessary to amend a reference to a "physician" under current law, if the reference is intended to refer to both medical physicians and chiropractors. It is only necessary to amend such a reference if you intend to limit it's meaning to a medical physician. There may be additional references to physicians under current law that you intend to limit to medical physicians. I am in the process of identifying those other references, and will provide you with a list so that I can clarify your intent about them.

Also, the draft retains the rule that a reference to a chiropractor anywhere in the statutes means a chiropractor licensed by the chiropractic examining board. However, if a statute under current law refers to both a medical physician and a chiropractor, it seems to me to be consistent with your intent to revise these references so that they only refer to a physician, which, as discussed above, means either a medical physician or chiropractor. However, because there are many such references (around ~~one hundred~~) and because I'm not sure about your intent on this issue, I have not affected those references in this draft.

In addition, do you need to worry about references to "medical records"? Should they be revised to refer to "medical or chiropractic" records?

Finally, I am in the process of determining whether any initial applicability provisions are necessary for including chiropractors under references under current law that are limited to physicians. For example, it may be necessary to deal with impairment of contract issues. In addition, I will review whether these changes have any fiscal implications.

Mark D. Kunkel
Senior Legislative Attorney
Phone: (608) 266-0131
E-mail: mark.kunkel@legis.state.wi.us

DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU

LRB-1423/P2dn
MDK:kjf:eph

March 7, 2003

Representative Foti:

This draft includes the rule (expressed in the amendment of s. 990.01 (28), stats.) that, unless otherwise specified, a reference to a "physician" anywhere in the statutes is intended to refer to either a medical physician licensed by the Medical Examining Board or a chiropractor licensed by the Chiropractic Examining Board. Therefore, it isn't necessary to amend a reference to a "physician" under current law, if the reference is intended to refer to both medical physicians and chiropractors. It is only necessary to amend such a reference if you intend to limit it's meaning to a medical physician. There may be additional references to physicians under current law that you intend to limit to medical physicians. I am in the process of identifying those other references, and will provide you with a list so that I can clarify your intent about them.

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**DRAFTER'S NOTE
FROM THE
LEGISLATIVE REFERENCE BUREAU**

LRB-1423/P2dn
MDK:kjf:cph

March 7, 2003

Representative Foti:

This draft includes the rule (expressed in the amendment of s. 990.01 (28), stats.) that, unless otherwise specified, a reference to a "physician" anywhere in the statutes is intended to refer to either a medical physician licensed by the Medical Examining Board or a chiropractor licensed by the Chiropractic Examining Board. Therefore, it isn't necessary to amend a reference to a "physician" under current law, if the reference is intended to refer to both medical physicians and chiropractors. It is only necessary to amend such a reference if you intend to limit it's meaning to a medical physician. There may be additional references to physicians under current law that you intend to limit to medical physicians. I am in the process of identifying those other references, and will provide you with a list so that I can clarify your intent about them.

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In addition, do you need to worry about references to "medical records"? Should they be revised to refer to "medical or chiropractic" records?

COMMON
TERMINOLOGY

Finally, I am in the process of determining whether any initial applicability provisions are necessary for including chiropractors under references under current law that are limited to physicians. For example, it may be necessary to deal with impairment of contract issues. In addition, I will review whether these changes have any fiscal implications. *THERE SHOULD NOT BE ANY FISCAL IMPLICATIONS.*

?

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